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purpose.[11] It is this lawful purpose which gives the union the necessary legal justification.

3. That it employ no unlawful means, such as force, threats, or coercion.[12] It is well-settled that peaceable persuasion directed to persons willing to listen (which was the only means adopted in the principal case) is a lawful means.[13]

H. J. W.

MUNICIPAL CORPORATIONS: OPERATION OF WATER SYSTEM BY MUNICIPALITY: UNREASONABLE REGULATION.—The city of Los Angeles by article one, section seven of its charter is given the power "to provide for supplying the city and its inhabitants with water", and by article eighteen, section one hundred and ninty-two, the power to fix rates by ordinance is given it. The city in exercising this power passed an ordinance providing that "All water rates shall be charged against property on which it is furnished and against the owner thereof, and if for any cause any sums owing therefor become delinquent the water shall be cut off, and in no case shall it be turned on to the same property until all such delinquencies shall have been paid in full. No change of ownership or occupation shall affect the application of this section."

In *Nourse v. City of Los Angeles*[1] the power of the city to pass the ordinance was decided in the negative. The court holds that a municipality in operating a water system for the purpose of supplying its inhabitants with water acts not in its governmental and sovereign capacity as an agent of the state, but in its proprietary capacity, engaged in a service for its profit, although the public may be incidently benefited. Acting in such capacity a city is governed by the same rules that apply to any private corporation in a like occupation. This has been repeatedly held.[2]

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[11] Commonwealth v. Hunt (1842), 4 Met. 111; State v. Stewart (1887), 59 Vt. 273, 9 Atl. 559, 59 Am. Rep. 710; Rogers v. Evarts (1891), 17 N. Y. Sup. 264; Jordahl v. Hayda (1905), 1 Cal. App. 696; Pickett v. Walsh (1906), 192 Mass. 572, 78 N. E. 753; Parkinson v. Building Trades Council (1908), 154 Cal. 581. It must be remembered that, though the general purpose of a union may be lawful, its immediate purpose may be unlawful (Employing Printers' Club v. Dr. Blosser Co., supra, note 3), in which case it will make itself legally liable to an injured employer.

[12] Old Dominion Steamship Co. v. McKenna, supra, note 10; State v. Stewart, supra, note 11; Vegelahn v. Guntner, supra, note 10; Frank v. Herold, supra, note 10; Jordahl v. Hayda, supra, note 11.

[13] Rogers v. Evarts, supra, note 11; Karges Furniture Co. v. Amalgamated Woodworkers (1905), 165 Ind. 421, 75 N. E. 877, 2 L. R. A. (N. S.) 788; Pierce v. Stablemen's Union (1908), 154 Cal. 581, 98 Pac. 1027; Jones v. Maher (1909), 116 N. Y. Sup. 180.

[1] (Sept. 8, 1914), 19 Cal. App. Dec. 329.

[2] South Pasadena v. Pasadena Land and Water Co. (1908), 152 Cal. 579, 93 Pac. 490; Wagner v. City of Rock Island (1893), 146 Ill. 139, 34 N. E. 545, 21 L. R. A. 519; 1 Dillon Mun. Corp. 27; City of Montgomery v. Green (Ala., 1913), 60 So. 900; People v. Schlitz Brewing Co. (Ill., 1913), 103 N. E. 555.

The principle is especially illustrated in cases holding a municipality liable for injuries occasioned to persons by negligence in the unskillful operation or construction of its water system.[3] Water rates are not then taxes[4] for which the property is liable, but are charges for the water supplied: and regulations governing them must be non-discriminatory and reasonable. Therefore an ordinance such as the above cannot be passed making the occupier liable for all delinquent bills of a past occupier, unless the power to make such charge a lien on the land has been conferred by a general statute of the state or by the city charter itself.[5] The case in comment then seems to express the universal rule.

The court further says "the authority to enact the provision under discussion if it exists at all is by virtue of the general incidental power of the municipality". There appears to be no case where such a power has been implied and it is a question whether on principle it could be implied.[6] There is no common law liability for a property holder to pay the personal debts of a past holder as a condition precedent to a supply of gas or water. Unless the legislature of the state expressly empowers the city to make such charges a lien on the land, it would seem no such ordinance could be passed.[7]

L. C.

MUNICIPAL CORPORATIONS: RAILROAD COMMISSION: REGULATION OF UTILITIES.—Water companies supplying the city of Glendale made a rule requiring each consumer to pay fifteen dollars for installing a meter and making service connections between their water mains in the street and the premises of the

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[3] Bailey v. City of New York (1842), 3 Hill 531, 38 Am. Dec. 669; City of Yslita v. Babbitt (1894), 8 Tex. Civ. App. 432, 28 S. W. 702; Davoust v. City of Alameda (1906), 149 Cal. 69, 84 Pac. 760. But a city is not liable for damages caused by fire in consequent of its negligent failure to maintain sufficient water works. Springfield Fire Ins. Co. v. Village of Keesville (1895), 148 N. Y. 46 N. E. 405.

[4] City of Chicago v. Northwestern Mut. Life Ins. Co. (1905), 218 Ill. 40, 75 N. E. 803. See also Town of Ukiah City v. Ukiah Water and Imp. Co. (1904), 142 Cal. 173, 75 Pac. 773.

[5] Linne v. Bredes (1906), 43 Wash. 540, 86 Pac. 858, 6 L. R. A. (N. S.) 707, 117 Am. St. Rep. 1068; Turner v. Revere Water Co. (1898), 171 Mass. 329, 50 N. E. 634; City of Chicago v. Northwestern Mut. Life Ins. Co. (1905), 218 Ill. 40, 75 N. E. 803; City of Houston v. Lockwood Inv. Co. (Tex., 1912), 144 S. W. 685; Cuba v. Druskin (1909), 120 N. Y. Sup. 381, 135 N. Y. App. Div. 508. In City of Atlanta v. Burton (1892), 90 Ga. 486, 16 S. E. 214, the court says, "The charter did not intend or contemplate that water should be furnished on individual or personal credit, but that the supply should be made a charge on the property to which the water was conveyed."

[6] "Whenever a by-law seeks to alter a well settled principle of common law, or to establish a rule interfering with the right of an individual or the public, the power to do so must come from plain and direct legislative enactment." Long. v. Taxing District (1881), 7 Lea. 134, 40 Am. Rep. 55.

[7] Farmer v. Mayor of Nashville (Tenn., 1913), 156 S. W. 189.